UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,472	05/23/2001	John C. Cofano	GT1-0004US	7470

29150   7590   04/15/2008
LEE & HAYES, PLLC
421 W. RIVERSIDE AVE
STE 500
SPOKANE, WA 99201

EXAMINER
BROOKS, MATTHEW L

ART UNIT	PAPER NUMBER
3629	

MAIL DATE	DELIVERY MODE
04/15/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _04 January 2008_.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-7,9,16-21 and 25-27_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-7,9,16-21 and 25-27_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112 2nd

1.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

2.   **Claims 1-27** are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

        With respect to **Claim 1 (for example and 19)**, With respect to claim 1 and 3,

step (i) it is indefinite as to how the administrator is a "user" as in claim 3, can also be

an administrator. Is this person providing personal services and statistical information

to him/herself?

3.   Claims 1-18 were analyzed only for purposes of prosecution the same analysis

applies to the subsequent claims 19-21 and 25-27 where appropriate, please fix

accordingly in response.

Claim Rejections - 35 USC § 112 1st

1.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

2.   Claims **19-21 and 25-27** are rejected under 35 U.S.C. 112, first paragraph, as

failing to comply with the enablement requirement. The claim(s) contains subject matter

which was not described in the specification in such a way as to enable one skilled in

the art to which it pertains, or with which it is most nearly connected, to make and/or use

the invention. The Applicant has amended the claims (ie 19 and the system as well) to read that "a fourth program code that <u>determines</u> a service response to the service request". There is not a teaching in the specification that would enable one of ordinary skill to build a system and medium with a code that could determine a response. Again there is no teaching that if a user complains/ has certain symptoms that base on those symptoms the system or code would determine/recommend a response.

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-7 and 9 and 16-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Applicant has amended claim 1 step (f) to read "<u>providing</u> personal services" this language can be read broadly as to include a human who is providing. This is not proper subject matter for patent. Appropriate action is required.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   **Claims 1-7 and 9 and 16-18 and 19-21 and 25-27** are rejected under 35

U.S.C. 102(b) as being clearly taught by Patent No.: 6,283,761 (Joao).

6.   With respect to **Claim 1 and 19 and 20**: Joao discloses

A computer implemented method of providing personal services over a computer

network to members of at least one of a plurality of predefined groups, the method

comprising the steps of (C 41, 35-40)

a. receiving a service request from a user who is a member of one of the

predefined groups (C25, 5-65; C4, 38-40 "can be used by any party"; C39, 55-60;

C39,10-20);

b. determining a user type associated with the received service request (C25, 5-

65; C4, 38-40 "can be used by any party"; C39, 55-60; C39,10-20);

c. providing a menu of service request options corresponding to the determined

user type (C25, 5-65; C4, 38-40 "can be used by any party"; C39, 55-60; C39,10-20);

d. receiving a selection of one of the service request option from the user (C39,

10-20 "user responses")

e. determining a service response to the service request based on the service

request option received from the user (C14, 12-20);

f. providing personal services to the user in accordance with the determined

service response (C14, 12-20);

g. recording interactions while providing the personal services to the user (C39,

10-20 and C7, 12-15); and

h. inserting at least one reminder related to the personal services into an

electronic calendar associated with the user (C32, 65-68 "update providers schedule"

and C33, 15-20 "reminder and C24, 25-30 and C5, 10-18 and C5, 35-40 and C6, 20-25

and C6, 50-55 and C3, 1-14)"; and

i. presenting statistical information related to the interactions to an administrator

for the one predefined group of which the user is a member (C5, 50-60 and C9, 15-20

and C20, 15-25 and C28, 40-45 and C19, 20-28 and C38, 45-55).

7.   With respect to **Claim 2**: Joao discloses

wherein the personal services comprises healthcare related services, wherein

the predefined groups are respective employers, wherein the user is an employee of

one of the employers and is receiving the healthcare related services (C14, 12-20 and

C36, 12-16); and

wherein the providing of personal services comprises delivering at least one

healthcare-related recommendation to the user (C14, 12-20 and C36, 12-16).

8.   With respect to **Claim 3**: Joao discloses

wherein the user type comprises one of a member/employee, a service provider,

an administrator, and a research service provider (C2, 55-60; C4, 32-58; C26, 39-44

and C28, 10-18).

9.   With respect to **Claim 4**: Joao discloses

wherein if the user type is member/employee, the menu of service request

options comprises view services available, view news, facilitate communication,

update/create user profile, schedule appointment, immediate consultation, perform

transaction, check status, provide feedback/comments ((C2, 55-60 and C18, 50-55 and

C25, 5-10).

10.   With respect to **Claim 5**: Joao discloses

wherein if the user type is service provider the menu of service request options

comprises <u>view </u>news, <u>access a </u>knowledge base, <u>facilitate </u>administration, <u>facilitate a</u>

feedback query, and <u>facilitate </u>communication (C2, 55-60).

11.   With respect to **Claim 6**: Joao discloses

wherein if the user type is administrator, the menu of service request options

comprises <u>view </u>news, initiate query, <u>initiate </u>communications, and <u>request </u>help (C25, 5-

60 and C18, 50-55 "news" and C37, 35-40 and C41, 34-40).

With respect to **Claim 7**: Joao discloses

wherein if the user type is research services the <u>menu of </u>service request options

comprise <u>view </u>news, access databases, and <u>initiate </u>queries (C19, 40-46 and C7, 31-40

and C39, 10-20 and C25, 5-60 and C18, 50-55 "news" and C37, 35-40 and C41, 34-40.

12.   With respect to **Claim 9**: Joao discloses

wherein recording interactions includes storing information regarding <u>a</u> type of

service provided, <u>a </u>user requesting service, service provider information and

recommendations, frequency of service provided by user and/or service provider,

~~outcome information,~~ feedback from user, and performance-metrics (C4, 20-26 and

C39, 10-20 and C39, 28-36).

13.   With respect to **Claim 16**: Joao discloses

wherein the enabling of the service response is to be further determined based on information related to a medical history of the user (Besides being inherent in a Doctors response that she would make a determination based upon a medical history ... it is actually shown at C32, 47-48).

14.   With respect to **Claim 17**: Joao discloses

wherein the enabling of the service response is to be further determined based on information related to a work schedule of the user (Besides being inherent that one would schedule their doctors visit based upon their availability/ work schedule...actually shown at C32, 47-48).

15.   With respect to **Claim 18**: Joao discloses

wherein the enabling of the service response is to be further determined based on information related to an estimated condition of the user(Besides being inherent that a doctor would base his/her response based upon condition of user/patient's health status... actually shown at C32, 47-48 and C38, 34-40.

16.   **Claims 19-21 and 25-27** being the system for the method are based on the same analysis.

Response to Arguments

17.   Applicant's arguments filed 1/4//2008 (Remarks) have been fully considered but are not persuasive.

18.   In reply to: to Applicant assertion that the prior art Joao reference made the same information available to all user types, this is not true. One merely needs to look at Fig 7B, which shows a Doctors' user interface, versus Figure 8A which shows a *different*

user interface for the administration/insurance access. Further support is found in C25,

50-60 wherein one particular user type the providers' communication device/particular

user interface the medical doctor can obtain the diagnosis.

19.   In reply to: to the assertion that Joao fails to teach inserting at least one reminder

into an electronic calendar associated with the user; this assertion is false. Nothing has

been claimed that this calendar is unique, and applicant has not even claimed what is

argued that Jao fails to teach that a provider must be "granted trusted access or

permissions to do so by user". Even if this was claimed this is taught at Jao at C32, 45-

65 bridging C33, 1-20. There it specifically teaches an appointment made online and

the cpu will "update the provider's schedule to reflect new appointment."

Conclusion

20.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

> A. www.e-med.com retrieved from the wayback machine and can be pulled back
>
> with a date up to 1 year before filing date and before Applicant's provisional.
>
> B. Pub. No.: US 2002/0065682 A1 (Goldneberg).
>
> C. Patent No.: 5,517,405 (McAndrew) → Teaches automatic rule engine
>
> diagnosis of patient on line and recording thereof in database; also see C2 for
>
> knowledge base, news, and recommendations.
>
> D. www.bestdoctors.com from wayback machine which can be pulled as far
>
> back as 1/25/1999.
>
> E. Patent Nos.: 5,301,105 and 6,283,761 and 5,553,609

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew L. Brooks whose telephone number is (571) 272-8112. The examiner can normally be reached on Monday - Friday; 8 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-8112. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MLB
4/14/08

/John G. Weiss/
Supervisory Patent Examiner, Art Unit 3689